



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,331	07/03/2003	John Eugene Allamon	ARIBP068	8022
21912 7590 01/29/2009 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014				
EXAMINER				
HAYLES, ASHFORD S				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
01/29/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/614,331

**Applicant(s)**

ALLAMON ET AL.

**Examiner**

Ashford S. Hayles

**Art Unit**

3687

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Amendment received on November 14, 2009 has been acknowledged. Claims 10 and 12-13 have been cancelled, newly presented claim 23 have been entered. Therefore, claims 1-9, 11 and 14-23 are pending.

***Response to Amendment***

2. Applicant's amendments are sufficient to overcome previous 35 USC 103(a) prior art rejections as set forth in the previous office action.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-9, 11 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Wang (6,604,107) in view of Aoki (PG PUB. 2001/0039531) further in view of Alaia et al. (6,199,050).**

**As per Claims 1, 11, and 20**, Wang teaches a method for:

receiving at least one attribute of at least one item (Column 3, lines 15-20);

using the at least one attribute to identify one or more items included in an electronic database(Column 4, lines 2-9); and

However, Wang fails to disclose creating a lot having a plurality of items, generating a lot listing that includes a plurality of the identified items, wherein the

generated lot listing indicates a plurality of items to be auctioned as a lot in an electronic auction.

Wang and Aoki are within the same field of online auctioning. Aoki teaches creating a lot having a plurality of items (¶ [0052], lines 65-67 discuss when exhibiting multiple items, an operation to group the multiple items i.e., exhibiting as the grouped items), generating a lot listing that includes a plurality of the identified items (¶ [0057], lines 46-49 discuss multiple items are collectively subject to auction as grouped items, individual items composing the grouped items are listed in the item introduction field), and wherein the generated lot listing indicates a plurality of items to be auctioned as a lot in an electronic auction (Figure 4B, Display Field 430).

Therefore it would have been obvious to one of ordinary skill in the art to modify the generic attribute database system of Wang to include the auction system and program as taught by Aoki to be able to group multiple items in a group to be auctioned.

However, the Wang-Aoki combination fails to disclose wherein the lot listing is generated based at least in part on the received attribute.

Alaia et al. teaches wherein the lot listing is generated based at least in part on the received attribute (Col.2, lines 35-45 parts are so similar that by definition they must be purchased from the same supplier—all of the knobs are made using the same mold. These items are therefore grouped into a single lot Bidders in industrial auctions must provide unit price quotes for all line items in a lot, thus a lot listing is generated based on a similar characteristic).

Therefore it would have been obvious to one of ordinary skill in the art to modify the Wang-Aoki combination to include the ability to create a lot based on a similar characteristic as taught by Alaia et al. in order to conduct supplier-bidding auctions as discloses entirely by Alaia et al. reference.

**As per Claim 2 and 14**, Wang teaches, wherein the electronic database comprises an attribute-based electronically searchable list of a plurality of attributes (Column 5, lines 63-67 through columns 6, lines 1-6).

**As per Claim 3**, Wang teaches wherein the identified listing of items comprises an index of the total number of items per each identified attribute (Column 3, lines 2-5).

**As per Claim 4 and 15**, Wang further teaches wherein the generating further comprises grouping items with similar characteristics and prices (Column 5, lines 50-52).

**As per Claim 5-6 and 16-17**, Wang teaches wherein a plurality of attributes are received and the generating comprises selecting the items in the lot listing having all or any of the identified attributes (Column 3, lines 14-20 via an automobile will have some or all of the identified attributes).

**As per Claim 7, 18 and 21**, Wang teaches at least one attribute comprises at least one of an operation, material, fabrication, process, tolerance, size, weight, specification and any other feature of a part (Column 1, lines 29-30 via size as a displayed attribute).

**As per Claim 8**, Wang teaches displaying the generated lots in a formatted manner (Figure 6, Attribute Map Table 200).

**As per Claim 9, 19, and 22**, Wang teaches that items to be auctioned comprise at least one of parts, materials, and components (Column 3, lines 51-62).

**As per Claim 23**, Wang teaches the computer program product of claim 20. However, Wang fails to disclose wherein a plurality of attributes are received and the generating comprises selecting the items in the lot listing having all of the received attributes.

Aoki teaches wherein a plurality of attributes are received (pg.4, ¶ [0052] discusses information is inputted about items he or she will exhibit at an auction, the Examiner is construing that information about an item is an attribute).

Therefore it would have been obvious to one of ordinary skill in the art to modify the generic attribute database system of Wang to include the auction system and program as taught by Aoki to be able to group multiple items in a group to be auctioned.

However the Wang-Aoki combination fails to disclose the generating comprises selecting the items in the lot listing having all of the received attributes.

Alaia et al. teaches generating comprises selecting the items in the lot listing having all of the received attributes (Col.2, lines 35-45 parts are so similar that by definition they must be purchased from the same supplier--all of the knobs are made using the same mold. These items are therefore grouped into a single lot Bidders in industrial auctions must provide unit price quotes for all line items in a lot, thus a lot listing is generated based on a similar characteristic).

Therefore it would have been obvious to one of ordinary skill in the art to modify the Wang-Aoki combination to include the ability to create a lot based on a similar

characteristic as taught by Alaia et al. in order to conduct supplier-bidding auctions as discloses entirely by Alaia et al. reference.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 11 and 20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashford S. Hayles whose telephone number is 571-270-5106. The examiner can normally be reached on Monday thru Thursday 8:30 to 4:00 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571) 272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/  
Primary Examiner, Art Unit 3687

/A. S. H./  
Examiner, Art Unit 3687